



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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November 5, 2015

Michael Gibbons  
Ardagh Glass, Inc.  
5801 East Marginal Way South  
Seattle, WA 98134

Amended Order Docket #	12799
Order Docket #	10159

RE: Amended Administrative Order for Modification of Permit Coverage,  
Level 3 Extension/Ardagh Glass Inc.  
Industrial Stormwater General Permit Number WAR010569

Dear Mr. Gibbons:

The Department of Ecology (Ecology) has issued the enclosed Amended Administrative Order requiring the Ardagh Glass (Ardagh), to comply with:

- Chapter 90.48 Revised Code of Washington (RCW) - Water Pollution Control.
- Chapter 173-226 Washington Administrative Code (WAC) - Waste Discharge General Permit Program.
- Industrial Stormwater General Permit, permit number WAR001134.

If you have questions please contact Robert Wright at (425) 649-7060, or e-mail at [Robert.Wright@ecy.wa.gov](mailto:Robert.Wright@ecy.wa.gov).

Sincerely,

Bill Moore, P.E. Manager  
Program Development Services Section  
Water Quality Program

Enclosure: Administrative Order Docket #12799

By certified mail 7014 0510 0001 9956 0099

cc: Robert Wright

bcc: Jeff Killelea  
Josh Klimek  
Kevin Fitzpatrick



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF AN	)	AMENDED
ADMINISTRATIVE ORDER	)	ADMINISTRATIVE ORDER
AGAINST	)	DOCKET #12799
Ardagh Glass	)	
	)	

To: Michael Gibbons  
Ardagh Glass, Inc.  
5801 East Marginal Way South  
Seattle, WA 98134

Amended Order Docket #	12799
Order Docket #	10159

The Department of Ecology (Ecology) has issued this Administrative Order (Order) requiring Ardagh Glass, Inc. (Ardagh) to comply with:

- Chapter 90.48 Revised Code of Washington (RCW) - Water Pollution Control.
- Chapter 173-226 Washington Administrative Code (WAC) - Waste Discharge General Permit Program.
- Industrial Stormwater General Permit, permit number WAR-001134.

Chapter 90.48.120(2) RCW gives Ecology the authority to issue Administrative Orders requiring compliance whenever it determines that a person is about to violate Chapter 90.48 RCW.

**ORDER TO COMPLY**

**Description:** Ardagh Glass, Inc. (Ardagh) is covered under Industrial Stormwater General Permit, permit number WAR001134. Permit condition S5 establishes benchmark values and monitoring requirements. Benchmark means a pollutant concentration used as a permit threshold, below which a pollutant is considered unlikely to cause a water quality violation, and above which it may. When pollutant concentrations exceed benchmarks, corrective action requirements identified in permit condition S8 take effect. Permit condition S10 requires that discharges not cause or contribute to a violation of surface water quality standards.

Ardagh's discharge did not meet benchmark values and triggered Level 3 corrective action requirements under permit condition S8.

Permit condition S8. allows a Permittee to request time extension or waiver for the corrective action requirements. Ecology received and reviewed Ardagh's Request for Modification of Permit Coverage (Level 3 time extension) dated May 14, 2013. Ecology issued Order (Docket #

10159) granting a Level 3 Corrective Action time extension until September 30, 2015. Order (Docket # 10159) states:

Ardagh must fully implement the source control and treatment BMPs referenced in the Ecology-approved engineering report as soon as possible, but no later than September 30, 2015.

Order (Docket # 10159) is amended as follows:

- Ardagh must fully implement the source control and treatment BMPs referenced in the Ecology-approved engineering report as soon as possible, but no later than May 30, 2016 for the Phase II corrective actions.
- Ardagh must sample a minimum of 5 storm events in November and December 2015 for the pilot test.
- Ardagh must complete the replace and/or coating of galvanized surfaces no later than September 30, 2016.

No other condition or requirement of Order (Docket # 10159) is affected by this amendment.

#### **ELIGIBILITY FOR PAPERWORK VIOLATION WAIVER AND OPPORTUNITY TO CORRECT**

Under RCW 34.05.110, small businesses are eligible for a waiver of a first-time paperwork violation and an opportunity to correct other violations. We have made no determination as to whether you meet the definition of a "small business" under this section. However, we have determined that the requirements of RCW 34.05.110 do not apply to the violation(s) due to a conflict with federal law or program requirements, including federal requirements that are a prescribed condition to the allocation of federal funds to the state.

#### **FAILURE TO COMPLY WITH THIS ORDER**

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

#### **YOUR RIGHT TO APPEAL**

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320.

#### ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

#### CONTACT INFORMATION

Please direct all questions about this Order to:

Robert J. Wright  
Northwest Regional Office  
Department of Ecology  
Water Quality Program  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008  
  
Phone: (425) 649-7060  
Cell: (206) 909-6640  
Fax: (425) 649-7098  
E-mail: [Robert.Wright@ecy.wa.gov](mailto:Robert.Wright@ecy.wa.gov)

#### MORE INFORMATION

- Pollution Control Hearings Board Website  
[www.eco.wa.gov/Boards\\_PCHB.aspx](http://www.eco.wa.gov/Boards_PCHB.aspx)
- Chapter 43.21B RCW - Environmental Hearings Office -- Pollution Control Hearings Board  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>

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- Chapter 371-08 WAC – Practice And Procedure  
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>
- Chapter 34.05 RCW – Administrative Procedure Act  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- Laws: [www.ecy.wa.gov/laws-rules/ecyrcw.html](http://www.ecy.wa.gov/laws-rules/ecyrcw.html)
- Rules: [www.ecy.wa.gov/laws-rules/ecywac.html](http://www.ecy.wa.gov/laws-rules/ecywac.html)

SIGNATURE



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Bill Moore, P.E. Manager  
Program Development Services Section  
Water Quality Program